IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION Nos. 13189 AND 17269 OF 1998

W.P.No. 13189 OF 1998.

Between:

Sri Satya Dev,R/o.Ramnagar H.No.1-7-716
Ramnagar, Hyderabad.

..... PETITIONER

AND

1.The Chairman,A.P. Pollution Board, Ameerpet,
Hyderabad.
2.The Asst. Secretary to Govt, Environment, Forests,

and Science and Technology Department,
A.P. Secretariat, Hyderabad.

3. The Management of Industries, Residential area of Ramnagar,

Hyderabad (Azamabad).

(Respondent No.3 is struck off as per court order

dated: 16.6.1998.)

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the petition filed herein the High Court will be pleased to issue an order, direction or Writ, more particularly one in the nature of Writ of Mandamus directing the respondents to shift the industries from the residential area of Ramnagar, Hyderabad causing lot of pollution to the residents who are suffering from various diseases on account of the pollution and further issue directions to the Government to appoint a committee to monitor the orders of the court and pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: PETITION (Taken-up matter)

Counsel for the Respondent No.2: Special Government

Pleader for

Advocate-General

Counsel for Respondent No.1: Mr.S.V.Bhatt.

Mr. M.S.Ramachander Rao
Amicus Curiae, (not present).

WRIT PETITION NO : 17269 of 1998.

Between:

D.Surender Babu, Computer Media Services, 21, Sukhamani Anaid (Apts), Opp:Secunderabad Civil Courts, S.P.Road, Secunderabad-500 003

..... PETITIONER

AND

1.The Secretary to Govt. Municipal Admn. Dept.,
Secretariat, Hyderabad.
2. The Secretary to Govt. Environment Science & Technology Dept. Hyderabad.
3.The Member Secretary, A.P.Pollution Control Board, Hyderabad.
4. The Member Secretary, A.P.State Board for Prevention and Control of Water Pollution, Hyderabad.
5.The District Collector, Hyderabad District, Hyderabad.
6. Sunder Silk Mills
7. Allied Industries
8. Farah Industries
9. Vardhaman Metal Industries
10. Deccan Iron Manufacturing Works
11. Sarvotham Ispact Limited
12. M.R.F Pre Treads
13. Roxy Steels
14. Hindu Metal Industries

15. Sheshi Spices and Food Products
16. Shiva Shakti Textiles
17. Biological Limited
18. Hindustan Lever
19. Bakelite Hylam Limited
20. Allwyn
21. Lohia Oil Mills
22. Mahaveer Steels Rolling Mills
23. Dwaraka Rice Mill
24. Dhanalaxmi Rice Mill
25. Narayanlal Purushothamlal Dall Mills
26. Ratnagiri Rice Mill
27. Swastik Mirchi Masala
28. Anandji Jiraraf Shah
29. Anand Oil Mills
30. Venkateswara Rice Mill
31. Padmavathi Rice Mill
32. Parameswari Dall Mill
33. M/s Sharada Rice Industries
34. M/s Sai Krishna Rice Mill
35. M/s Sri Sai Rice Mill
36. M/s Kaveri Rice Mill
37. M/s Good Health Agrotech Limited
38. M/s Ramnadh Onkarmal Steel Rolling Mill
39. M/s Bharat Rice and Oil Mill
40. M/s Agarwal Industries Limited
41. M/s Kedia Vanaspathi Limited
42. M/s Jitendra Flour Mill
43. M/s Vimal Flour Mill
44. M/s Raghavendra Rice Mill
45. M/s Synthoku Labs Private Limited
46. M/s Sadanand Engineering Works
47. M/s Grand Castings
48. M/s VST Industries
49. M/s Lalitha Rice Mill

(Respondents 5 to 49 are impleaded as per Court Order dated: 15.10.1998 in W.P.No. 17269 of 1998).

50. M/s. Standard Leathers, Bakaram, Hyderabad.

51. M/s. Hyderabad Leathers, Bakaram, Hyderabad.

52. M/s. South India Prime Tannery, Bakaram, Hyderabad.

53. M/s. Mohd. Idris and Brothers, Bakaram, Hyderabad.

54. M/s. Roshan Best Tanners (P) Ltd., Bakaram, Hyderabad.

(Respondents 50 to 54 are added as per Court order dated: 17.11.1998 in W.P.No. 17269 of 1998.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the petition and paper cuttings of Telugu and English dailies, this Honourable Court will be pleased to issue an order, direction, or a writ, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in not solving the problem of Pollution in the Twin Cities as illegal and the petitioner praying the Hon'ble Court to interfere and take necessary steps to stop the Problem since the health of the citizens is being effected by the pollution, and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: PETITION (Taken-up matter)

Counsel for the Respondent Nos.1,2 &5: The Special Govt.

Pleader for Advocate-General.

Counsel for Respondent Nos 3&4: Mr. S.V.Bhatt

Counsel for Respondent Nos. 6,16,22&39: Mr.Murali

Narayana Bung, (not present)

Counsel for Respondent Nos.9&14: Mr.D.D.Chouhan

(not present)

Counsel for Respondent No.10 : Mr.C.B.Mohd Ibrahim

(not present)

Counsel for Respondent Nos.11&13: Mr.D.V.Nagarjuna

Babu (not present)

Counsel for Respondent No.12: Mr.Subrahmanya

Kurella (not present)

Counsel for Respondent Nos. 15,27 &28: Mr.K.Suresh

Reddy (not present)

Counsel for Respondent No.18: Mr.S.Leo Raj (not present)

Counsel for Respondent Nos. 23,24,

26, 30, 31, 33 to 36 and 49: Mr.B.Nalin Kumar

(not present)

Counsel for Respondent No.37: Mr.V.Venkateshwara Rao

(not present)

Counsel for Respondent Nos.38&43: Mr.C.B.Ram Mohan

Reddy (not present)

Counsel for Respondent No.40: Mr.K.Ram Babu

(not present)

Counsel for Respondent Nos.41 &42: Mr.C.Srinivas Reddy

(not present)

Counsel for Respondent No.44: Mr.D.Krishna Murthy

(not present)

Counsel for Respondent No.45: Mr.P.Venugopal

(not present)

Counsel for Respondent Nos.46&47: Mr.C.Narayan Reddy

(not present)

Counsel for Respondent No.48: Mr.V.Padmanabham

(not present)

Counsel for Respondent Nos. 7,8,17,19,

20,21,25, 29, 32,50 to 54: None present.

The Court made the following :

ORAL COMMON ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Both the petitions are taken-up writ petitions, in which, directions were sought against respondents for shifting of the industries from the residential area of Ramnagar, Hyderabad and other areas of the twin cities, which are responsible for the pollution of air, water etc. and directions were also sought against respondents to take necessary steps to stop the pollution as it is resulting in deterioration of the health of the citizens.

Sri M.S.Ramchandra Rao was appointed as Amicus Curiae to assist the Court in these matters. His name is shown in the cause list also. There are 49 industries

alleged to be responsible for causing pollution. By order dated: 17.11.1998, interrogatories were issued to the respondents that whether the industries are operating with the consent of A.P. Pollution Control Board or acknowledgement of District Industries Centre?, whether they have taken adequate steps to have Effluent Treatment Plant or Air Pollution Control Equipment installed?, whether Pollution Control Board has initiated appropriate action against defaulting industries?, is there any proposal by the State Government for relocation of the units from city limits? etc.

When the case was taken up on the last hearing, we asked the registry to notify the names of the respective counsel, which are duly shown in the cause list, but, none is present. It appears that by passage of time, they lost interest on both sides. In any case, we have heard the learned counsel for the Andhra Pradesh Pollution Control Board, as also, the Special Government Pleader attached to the learned Advocate-General. Our attention has been drawn to G.O.Rt.No. 205, dated 7th June, 2002, as regards the assurance which was given by the Government on the floor of the Assembly that Government was proposing to shift the polluting industries located in Hyderabad. Pursuant to that, after careful examination of the assurance in consultation with the Pollution Control Board, a Committee was constituted under the chairmanship of District Collector, Hyderabad with liberty to co-opt any other person to assist in the deliberations as per technical requirement. Following issues were referred to the Committee:

> " a) Re-inventorisation of polluting industries located in Hyderabad (MCH area) considering recent improvements in fuel use and treatment systems.
>
> (b) To formulate economic and other incentive schemes for shifting of polluting Industries and disincentive schemes to discourage operation of polluting industries within the city.
>
> © Identification of potential alternative sites outside the city limits for relocation of polluting industries, keeping in view Government orders on distance from HUDA Area etc.
>
> (d) Identification of agency to carry out Environmental Impact Assessment of the potential sites to assess carrying and assimilative capacities of new sites.
>
> (e) To fix time frame for shifting of polluting industries and prioritization of polluting industries for shifting.
>
> (f) To ensure smooth shifting of polluting industries to the identified alternative Sites within the decided time frame."

The Committee was asked to finalise its recommendations and action plan and

submit its report to the Government for approval as per the assurance given in the Legislative Assembly. It appears that the Committee constituted has not submitted its report, and, there has been no further action in that regard. It is, however, stated that meetings were conducted in which consensus could not be arrived at.

The Pollution Control Board has also handed-over to us a status report with respect to the number of industries and the action taken. There has been tremendous change after the Writ Petitions have been filed. Though the Committee was constituted, report appears to have not been submitted to the Government. Accordingly, we are of the view that no useful purpose will be served by keeping the writ petitions pending, and, we proceed to dispose of the same by issuing certain directions to the respondents to be complied with.

The Andhra Pradesh Pollution Control Board will ensure that periodic survey is made as regards the industries located in twin cities, more particularly, those, which are responsible for causing environmental problems, and, as and when complaint is received, the Pollution Control Board shall have spot inspection carried out. Wherever it is necessary, it will be for the Pollution Control Board to issue appropriate directions to be complied with by the industries so as to adhere to the norms set up by the Board, and, in case, despite giving of opportunity to comply with its directions, industries will fail to comply, nothing prevents the Pollution Control Board from passing appropriate orders in accordance with law.

Insofar as the Committee is concerned, we would direct the Principal Secretary to Government, Environment, Forests, Science and Technology, State of Andhra Pradesh to obtain up-to-date information from the Committee with reference to G.O.Rt.No. 205, dated: 7th June, 2002, and, in case, there appears to be some hitch in the committee finalizing its report, to take-up the matter afresh, and, if necessary, to modify, add, or, annul the issues referred to the Committee, and, issue appropriate guidelines, or, directions for finalizing the report, and, on receipt of the report, it will be duly examined by the Government for further action, if any, required, in order to solve the problem being faced by the citizens of Twin Cities of Hyderabad and Secunderabad with ever-growing industries within the residential limits. It is high-time that respondents will take steps in right direction to ensure pollution-free life in the twin cities of Hyderabad and Secunderabad.

With the above directions, we dispose of the Writ Petitions, with hope and expectation that each one of the respondents who are responsible will take appropriate steps in the light of the directions aforementioned. No costs.

Copies of these orders will be duly served upon the Standing Counsel for Andhra Pradesh Pollution Control Board and will be sent to the Principal Secretary to Government of Andhra Pradesh, Environment, Forests, Science & Technology Department, for compliance.

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DEVINDER GUPTA, C.J.

12.08.2004.

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C.V.RAMULU, J.

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To

1.The Chairman,A.P. Pollution Board, Ameerpet,
Hyderabad.
2.The Asst. Secretary to Govt, Environment, Forests,

and Science and Technology Department,
A.P. Secretariat, Hyderabad

3.The Secretary to Govt. Municipal Admn. Dept.,
Secretariat, Hyderabad.
4. The Secretary to Govt. Environment Science & Technology Dept. Hyderabad.
3.The Member Secretary, A.P.Pollution Control Board, Hyderabad.

4. The Member Secretary, A.P.State Board for Prevention and Control of Water Pollution, Hyderabad.
5.The District Collector, Hyderabad District, Hyderabad.
6. The Standing Counsel for A.P.Pollution Control Board, High Court Buildings, Hyderabad.

7. The Principal Secretary to Government, Environment, Forests, Science & Technology Department, Secretariat, Hyderabad.

8. Two CCs to Advocate-General, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.